

SITE PLAN

BEXHILL

RR/2022/64/P

49 & 49a Devonshire Road



## Rother District Council

Report to - Planning Committee  
Date - 1 September 2022  
Report of the - Director - Place and Climate Change  
Subject - Application RR/2022/64/P  
Address - 49 & 49a Devonshire Road, Bexhill TN40 1BD  
Proposal - Replacement of existing timber sliding sash windows and frames with uPVC sliding sash windows and frames.

[View application/correspondence](#)

---

**RECOMMENDATION:** It be **RESOLVED** to **REFUSE (FULL PLANNING) PERMISSION**

---

**Director: Ben Hook**

---

**Applicant:** Mrs V. Seng  
**Agent:** Avenue Architecture  
**Case Officer:** Mr Mark Simmonds  
(Email: [mark.simmonds@rother.gov.uk](mailto:mark.simmonds@rother.gov.uk))

**Parish:** BEXHILL CENTRAL  
**Ward Members:** Councillors C.A. Bayliss and P.C. Courtel

**Reason for Committee consideration:** Director – Place and Climate Change referral: Councillor Call-In Councillor Bayliss.

**Statutory 8-week date:** 31 May 2022  
**Extension of time agreed to:** N/A

---

### **1.0 SUMMARY**

- 1.1 The proposal is for the replacement of the existing sliding sash windows and frames with uPVC sliding sash windows and frames.
- 1.2 The proposal site is located within Bexhill Town Centre and within the Conservation Area.
- 

### **2.0 SITE**

- 2.1 The application site is located on Devonshire Road. The conservation area appraisal describes Devonshire Road in the following way:

*In Devonshire Road, the most important street in the area, a wide variety of buildings can be found. Whilst the plot widths tend to be universal, the materials and detailing are very varied. Small groups of two or three buildings have a similar design, suggesting that the overall development of the road was carried out by a number of different builders who were free to design each small group of buildings slightly differently. Commonly, these buildings are built from red brick, with stone string courses, copings and other embellishments, triangular or 'Dutch' gables facing the road, and sashed windows. Painted render is also used with decorative details such as swags and urns at high level. Canted or curved bay windows are another common feature, often at first floor level. This provides a broken silhouette to the streetscape when the buildings are viewed obliquely along the road. Most of the shopfronts are modern.*

- 2.2 Number 49a reflects what is clearly described in the above appraisal. The building is finished in a pebble dashed stucco, there are first floor bay, three (2 pane) sash windows at second floor and Dutch Gable presented to the street. The openings are timber framed with sash treating the bays and a timber replacement in the gable openings. All of the window frames appear in poor condition.

---

### **3.0 PROPOSAL**

- 3.1 The proposal is to replace existing sliding sash windows and frames with uPVC sliding sash windows and frames.
- 3.2 The application is accompanied by a number of documents including design plans for the new replacement windows. Due to concerns from the Council's officers an opportunity to revise the application to mitigate some of the concerns has been offered but has not been forthcoming.

---

### **4.0 HISTORY**

- 4.1 B/62/497 New Shop Front. Approved 23 August 1962
- 4.2 RR/2002/631/P Change of use to A3 (Coffee Lounge) including alterations to form toilets - Approved Conditional 23 May 2002
- 4.3 RR/2006/1369/P Replacement Shop Front and relocation of kitchen from front of ground floor to rear - Approved Conditional 20 July 2006
- 4.4 RR/2006/2437/P Variation of Condition 9 imposed upon planning permission RR/2006/1369/P for Shop Front signage - Approved 25 October 2006
- 4.5 RR/2002/214/P Alterations to form toilets - Approved Conditional 28 January 2002
- 4.6 RR/2003/3512/P Variation of Condition 3 imposed on RR/2002/631/P so as to extend opening hours to 08:00 to 23:00 Mondays to Saturdays – Approved Conditional 16 February 2004

- 4.7 RR/2004/2461/P Relaxation of Condition 2 imposed on RR/2002/631/P to allow full A3 (Restaurant) use of the premises – Refused 21 September 2004
- 4.8 RR/2006/864/P Replacement Shop Front including relocation of kitchen from ground floor to first floor in connection with proposed Restaurant – Withdrawn 2 May 2006
- 

## 5.0 POLICIES

- 5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- Policy OSS4: General Development Considerations
  - Policy EN2: Stewardship of the Historic Built Environment
  - Policy EN3: Design Quality
- 5.2 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:
- DIM2: Development Boundaries
  - DHG9: Extensions, Alterations and Outbuildings
  - BEX12: Bexhill Town Centre
  - BEX13: Bexhill Town Centre Primary Shopping Area
  - BEX15: Bexhill Cultural Area
  - BEX16: London Road – Sackville Road Enhancement Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty to local planning authorities when exercising planning functions, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

- 5.3 The National Planning Policy Framework and Planning Policy Guidance are also material considerations.
- 

## 6.0 CONSULTATIONS

- 6.1 Bexhill Heritage wish to amend our previous observations in light of information received from the Applicants. The midrail meeting on the existing windows is up to 40mm externally. The midrail meeting on the windows proposed is 44mm. We do not think this very marginal difference will affect the character or appearance of the Conservation Area. Further the Applicants are proposing a foil finish which should achieve a muted surface effect. We have no objection to the application.
- 6.2 Planning Notice
- 6.2.1 None Received.
-

## **7.0 LOCAL FINANCE CONSIDERATIONS**

- 7.1 The proposal is for a type of development that is not Community Infrastructure Levy liable.
- 

## **8.0 APPRAISAL**

- 8.1 The main issues to be considered are:

(a) Character Impacts.

### **8.2 Character and Appearance**

- 8.2.1 49 Devonshire Road is a 4-storey property with a commercial shop on the ground floor. The property lies within the Bexhill Town Centre Conservation Area and is part of a terrace of variable appearance. Although altered, the property does bear some visual relationship to the nearby 45 Devonshire Road and the presence of a bay window arrangement and timber sliding sash windows makes a valuable contribution to the conservation areas character and appearance.
- 8.2.2 Although some uPVC in various formats have been installed along the road, a prevalence of late Victorian / early Edwardian fenestration is still present and is one of the defining characteristics of the aesthetic value of the conservation area. In the immediate vicinity it is noted that Nos. 43, 45, 47 and 51 all possess timber sliding sash windows on all residential floors. Timber sash windows can also be seen at No. 65 (except the dormer) on the eastern side of Devonshire Road and at Nos. 20, 34, 36, 38, 42, 44, 48, 62, and 66 to the western side. Further north timber windows can be seen at Lloyds Bank, Barclays Bank and HSBC.
- 8.2.3 The main issues for consideration is whether the proposal provides a solution that ensures the character and appearance of the Bexhill Town Centre Conservation Area is preserved and enhanced. The proposal involves replacement of existing timber sash windows on the front, and rear elevations of the building at 1st, 2nd and 3rd floor level. Both the front and rear elevations are easily visible within the public realm, within the main shopping area of Devonshire Road and on Eversley Road respectively.
- 8.2.4 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty to local planning authorities when exercising planning functions, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. While the building is not listed, the legislative requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area relates to all buildings and as such, the buildings that comprise the conservation area, unlike a listed building, cannot be considered in isolation. The architectural merits of each building are secondary when considering the overall character of the area. This is especially true when considering elements common to all buildings such as doors, windows, roofs, etc.

- 8.2.5 Although both the initially proposed designs by the Applicant (Drawing 1135-3) and later proposed 'Heritage Rose' uPVC sliding sash window do attempt to reproduce the appearance of a traditional timber window, they do not reproduce the design to a satisfactory degree in terms of section sizes and proportions.
- 8.2.6 The proposed window depth of both meeting rails from front face to back of the two sashes increases from a typical depth of 97mm in timber to 126mm in uPVC (both proposals) and the thickness of the meeting rail increases from a typical 35mm to 44mm (both proposals). Finally, the glazing bars increase in width from a typical 15mm to 24mm (Drawing No. 1135-3) or 22mm (Heritage Rose) and are stuck on to the glass rather than part of the window joinery.
- 8.2.7 These variations in section size have a cumulative adverse effect on the elegance, fine sightlines and details of a timber sliding sash window which by way of a loss of elegance would be detrimental to the building and its contribution to the character and appearance of the conservation area. The replacement of the dormer window casement arrangement is welcomed to a degree however, the glazing bar arrangement is not convincingly evidenced and there is some doubt whether the proposed arrangement is correct. It is considered that this benefit to appearance does not outweigh the harm caused by the other works proposed.
- 8.2.8 On balance, the increase in size of the window members has an adverse impact upon the overall elegance of the window, creating a somewhat swollen appearance where an increased area of the aperture is accommodated by framing and the glazing area is reduced. The impact of this can be seen clearly when comparing No. 66 with original timber fenestration to No. 64 Devonshire Road which has a uPVC sliding sash arrangement.
- 8.2.9 The thick double-glazed unit is a harmful and obtrusive when considering the impact of the proposals on the conservation area. The visual impact of a double-glazed unit on a uPVC window is entirely different to that of a single glazed unit on a timber window. The proposed units require a thick and obtrusive spacer bar which has a very different visual impact to single pane and detracts significantly from the character and appearance of the conservation area.
- 8.2.10 Another significant concern with the double-glazed units is the very different way in which light reflects and refracts when compared to a single glazed unit (and in relation to a slim double-glazed unit). The proposed 24mm double glazed units would result in double reflections seen from both sides drawing attention to the incongruity of the windows in relation to the consistency of fenestration seen in its neighbours. Slim double-glazed or Vacuum double glazed units reduce the potential harm of both issues, to a level suitable for mitigation in this case, but are not proposed.
- 8.2.11 uPVC has a flat texture, very different to the painted timber sashes that characterise the conservation area. This difference is very noticeable and one of the main reasons that uPVC does not replicate this characteristic. The material does not weather attractively but deteriorates. It also attracts dirt very easily, which accumulates in the crevices where the different

construction elements join, and yellows over time, especially if not cleaned regularly.

- 8.2.12 The case officer has been made aware of another application in the near vicinity which was approved by the Council. Although each planning case must be determined on its own individual merits, in the interests of providing the Planning Committee with as much information as possible the following commentary can be provided on the Abergeldie House application RR/2022/937/P. However, what should be noted is that this application was initially considered a refusal because of the harm, however the Applicant in this case provided a compromise in design, which although was uPVC, did go some way to mirror the sash design. The following commentary relates to the consideration given to the Abergeldie House proposal and then goes on to draw a comparison with this application:

*“In considering the requirements of section 72, the initial application would not have provided enhancement and the remaining original windows would be lost, and subsequently would have led to another refusal of planning permission.*

*Following negotiation, the proposal was revised to include a new sliding sash window to replace the casement to the centre of the bay window.*

*In terms of aesthetic, it is noted that uPVC sliding sash windows do not replicate the section sizes of traditional sash windows, however, when considering the application in a more holistic manner, the proposal will bring about benefit in the replacement of the poor 1980’s windows to the south east and replacement of a wholly unsuitable casement window. On balance it is considered that the replacement of these windows will remove elements that are harmful. Equally the removal of original windows is also considered to be harmful as the fine proportionality of the original fittings will also be lost. Simply by considering the full scope, where six poor quality windows will be replaced with a more complimentary window design against the loss of three original windows, it is clear the proposal, in this particular case provides overall enhancement. The benefit of consistent and cohesive appearance brought about by the proposal is considered to outweigh the impact of the original windows loss.”*

- 8.2.13 However in this case, a prevalence of late Victorian / early Edwardian fenestration is still present and is one of the defining characteristics of the aesthetic value of the conservation area. In the immediate vicinity it is noted that Nos. 43, 45, 47 and 51 all possess timber sliding sash windows on all residential floors. Timber sash windows can also be seen at No. 65 (except the dormer) on the eastern side of Devonshire Road and at Nos. 20, 34, 36, 38, 42, 44, 48, 62, and 66 to the western side. Further north timber windows can be seen at Lloyds Bank, Barclays Bank and HSBC.
- 8.2.14 Therefore, the weight of enhancement provided by addressing just one casement (the top dormer) is not sufficient to justify the replacement of six original windows with a replacement of inferior quality, proportion and of poor materials. The prevalence of timber windows immediately and neighbouring the site would lead to the conclusion that the installation of uPVC windows will also not offer a consistent appearance and would not contribute to a cohesive impression. It is also considered that deliberate

neglect has led to such deterioration and as per the National Planning Policy Framework should not be considered.

- 8.2.15 In this case it is considered that the potential of further inappropriate uPVC replacement windows being introduced into the conservation area could bring about cumulative substantial harm to the character and appearance of that area. The replacement of timber sash windows with a uPVC equivalent would cause harm and fail to either preserve or enhance the overall character and appearance of the conservation area and as such its acceptance would not be considered as paying the special attention to the desirability of preserving or enhancing that character as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 8.2.16 The National Planning Policy Framework states that great weight be afforded to the conservation of heritage assets (paragraph 199) but does allow harm to designated heritage assets to be mitigated by way of clear and convincing justification or public interest (paragraphs 200 and 202 respectively). In this particular case the current window condition, energy efficiency and tackling climate change have been provided as rationale for the replacement windows by numerous parties. In accordance with paragraphs 200 and 202 the points of mitigation have been considered as follows:

### **8.3 Current window condition**

- 8.3.1 It is accepted that the current condition of the windows is exceptionally poor, although levels of window condition vary along Devonshire Road. It is considered that whilst there is certainly a rationale for the windows either complete or partial replacement, the need to replace does not lead to the use of uPVC being acceptable. Moreover, the condition of the existing windows is so poor that it is reasonable to conclude that the windows have benefitted from little maintenance over a prolonged period. Paragraph 196 of the National Planning Policy Framework states where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision. Therefore, it is considered that the condition of the windows should be disregarded in accordance with the National Planning Policy Framework.

### **8.4 Energy Efficiency**

- 8.4.1 Timber is an efficient insulator when compared to uPVC. There is no doubt that original single pane glazing is not as efficient as its double glazed counterpart. However, it is considered that other options such as secondary glazing or shutters have not been considered fully as realistic options that would cause no harm to the conservation area.
- 8.4.2 Historic England's publications; Energy Efficiency and Historic Buildings - Draught-proofing Windows and Doors (2016); Traditional Windows - Their Care, Repair and Upgrading (2017); and Energy Efficiency and Historic Buildings - How to Improve Energy Efficiency (2018) give considerable detail regarding measures that can be taken to improve the efficiency of traditional windows.



8.4.3 If thermal upgrading or replacing windows does preserve the character and appearance of the conservation area, this upgrading should be supported. Slim double-glazed units with a 6mm cavity fitted in a timber frame do comply with Document L to achieve an overall window U Value of 1.6, another option is Vacuum glazing which can achieve a u-value of 0.7 both can be retrofitted into existing timber windows.

8.4.4 The latter is more energy efficient than standard double glazing. As such there is no basis in terms of energy efficiency for the use of uPVC when a timber window can achieve such efficiencies. It is also considered that in relation to paragraph 202 improved energy efficiency is not solely a public benefit, the benefit that would arise from increased energy efficiency is largely a private benefit, being the householder would benefit from reduced energy costs. Any public benefit would also be reliant on the heating system utilising fossil fuels rather than renewable energy sources.

## **8.5 Tackling Climate Change and sustainable construction**

8.5.1 The recently published energy efficiency guidance by Historic England and The National Design Guide have given a greater emphasis on longevity and sustainability which is now considered with greater weight in any new proposal.

8.5.2 uPVC windows have a typical life span of no more than 35 years. A standard timber window would have a life expectancy of 65 years, modified timber windows a life expectancy of 68 – 80 years, it should also be noted that original timber windows are still present in the area being approximately 120 years old.

8.5.3 A considerable benefit of timber is, if timber fails, it can be repaired, this is not the case with uPVC which requires wholesale replacement if warped or damaged. A new proprietary fitting would be required, and this is likely to be restricted to the make and model of the specific window and it is also likely that with the speed at which the models of uPVC windows change, getting an exact replacement is unlikely, creating further variations to the appearance of the conservation area.

8.5.4 Although the desire to increase energy efficiency and tackle climate change is admirable, this particular proposal and the use of uPVC has a detrimental impact upon the character and appearance of the conservation area, and the environment. The material (uPVC) is incapable of having a lifespan that is equal to either existing timber windows or timber replacements. uPVC by way of its poor design life and carbon intensive production methods does not mitigate sufficiently to tackle climate change and does not move towards a low carbon economy.

8.5.5 There is no justification that is either clear and convincing or in the public interest for the use of uPVC in this instance.

---

## **9.0 PLANNING BALANCE AND CONCLUSION**

- 9.1 On balance it is considered that the approval of the proposed windows would be harmful to the character and appearance of the Bexhill Town Centre Conservation Area failing to preserve or enhance it.
- 9.2 The proposed is contrary to Policies EN2 and BX2 of the Rother Local Plan Core Strategy, as well as to the statutory duty conferred on local planning authorities in the 1990 Act to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 9.3 The view of the Council is reinforced by adopted guidance set out by Historic England in publications including Traditional Windows – Their Care, Repair and Upgrading. Points of mitigation for the harm caused are not considered to be clear and convincing or sufficiently in the public interest to outweigh the great weight afforded to conserving heritage assets, and the poor condition is a result of neglect and as such is disregarded.

---

### **RECOMMENDATION: REFUSE (FULL PLANNING) PERMISSION**

---

#### **REASONS FOR REFUSAL:**

1. The proposed replacement windows would be harmful to the character and appearance of the Bexhill Town Centre Conservation Area failing to preserve or enhance it. The proposed is therefore contrary to Policies EN2 and BX2 of the Rother Local Plan Core Strategy, as well as to the statutory duty conferred on local planning authorities in the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as the Framework which places weight on preserving or enhancing the character or appearance of that area.

#### **NOTE:**

1. The refusal relates to the plans:  
1135 - LBP The Location and Block Plan, received 13.1.2022  
1135 - 2 Proposed Window and Door Details, received 13.1.22  
1135 - 3 Joinery Details, received 13.1.22  
1135 - 1 Plans and Elevations, received 13.1.22  
1135 - Ex Existing Plans and Elevations, received 13.1.22  
Amended drawing Heritage Rose design, received 17.5.22

**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.